



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,506	08/28/2003	Daniel T. Mudd	12252-0011	2200

31278 7590 06/08/2006

STRADLING YOCCA CARLSON & RAUTH
SUITE 1600
660 NEWPORT CENTER DRIVE
P.O. BOX 7680
NEWPORT BEACH, CA 92660

EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT	PAPER NUMBER
----------	--------------

3753

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E

Interview Summary	Application No.	Applicant(s)	
	10/652,506	MUDD ET AL.	
	Examiner	Art Unit	
	Ramesh Krishnamurthy	3753	

All participants (applicant, applicant's representative, PTO personnel):

(1) Ramesh Krishnamurthy. (3)_____.

(2) Vanessa Owen. (4)_____.

Date of Interview: 05 June 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Loan et al. (US 5,868,159).

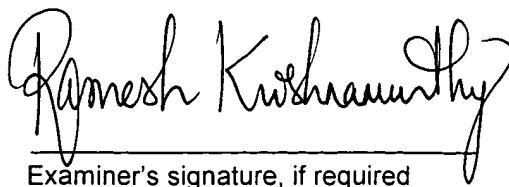
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Attachment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Interview Summary (Attachment)

Attorney Owen argued that Loan reference discloses a different flow type compared to the instant invention. Examiner's response was that it is the claim language that matters and in this instance as set forth in detail in the office action Loan et al. does meet the claimed limitations. Examiner also pointed out (in response to the outline faxed in by the attorney) that applicant's arguments concerning the Loan et al. reference has been responded to in detail in the body of the corresponding rejection itself and not under the separate heading of Response to Arguments. In regard to the inventive entity issue pertaining to rejections under 102(a) and 102(e) over the White et al. references, examiner pointed out that it is the inventive entity that controls whether the invention is by others or not and also that a detailed response in that regard has been included in the office action mailed 04/12/2006. Attorney agreed to consider the discussion in submitting a formal response in due course.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

FACSIMILE COVER SHEET

From:	Vanessa	Date:	June 2, 2006
Direct Dial:	310-712-8316	Client/Matter #:	10828.11102

PLEASE DELIVER AS SOON AS POSSIBLE TO:

Recipient	Company	Fax No.	Phone No.
Examiner	U.S.P.T.O	(571) 273-4914	(571) 272-4914
Krishnamurthy			

Total number of pages including this page: **2**.
If you do not receive all the pages, please call **(310) 712-8316**.

Message:

Dear Examiner Krishnamurthy,

Attached please find the brief outline. I look forward to speaking with you soon.

Best Regards,

Vanessa Owen

Please Note: the information contained in this facsimile message is privileged and confidential, and is intended only for use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please notify sender or the mail room by telephone: (310) 712-8300. **Thank You.**

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

1880 CENTURY PARK EAST 12TH FLOOR LOS ANGELES CA 90067 T 310 712-8300 F 310 712-8383
PAGE 1/2 * RCVD AT 6/2/2006 2:11:57 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-6/33 * DNIS:2734914 * CSID:310 712 8383 * DURATION (mm-ss):01-10

Points of Discussion:

- A. Loan et al. (102(b) rejection)
 - 1. applicants remarks distinguishing from Loan et al. not addressed
 - 2. requesting further clarification/discussion
- B. 102(a) rejection – White et al. (WO/02/25391)
common inventor issue
- C. 102(e) rejection – White et al (US, 6,539,968 B1)
common inventor issue